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(1) CCC shall determine the loss for each year 1995 and 1996 based on expected production and the recovery period, as determined by the county committee.

(b) A request for assistance under this section must be submitted to the county office in the county where the orchard is administratively located by March 31, 1995, and production data must be submitted by April 14, 1995, or other dates as determined by CCC.

(c) For such orchards subject to frost, the FSA county committee shall determine the loss for each of the years 1995 and 1996 based on expected production for the orchard.

(d) The calculated payment shall be determined separately for 1994, 1995, and 1996. A separate application shall be taken for each year. However, payments will be limited in accordance with § 1477.10.

(e) Any producer entitled to any payment may assign any such payments in accordance with part 1404 of this chapter if the assignment is made after September 30, 1994.

[60 FR 52614, Oct. 10, 1995]

§ 1477.26 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements of this part have been approved by the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and designated OMB No. 0560-0050, 0560-0004, and 0560-0092.

[57 FR 10963, Mar. 31, 1992. Redesignated at 58 FR 51760, Oct. 5, 1993. Redesignated at 60 FR 52614, Oct. 10, 1995]

PART 1478—TREE ASSISTANCE PROGRAM

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AUTHORITY: 7 U.S.C. 1421 note; 15 U.S.C. 714b and 714c; 104 Stat. 3359; 105 Stat. 1701; 106 Stat. 117; 107 Stat. 739; 108 Stat. 3; and 108 Stat. 2435.

SOURCE: 57 FR 10968, Mar. 31, 1992, unless otherwise noted.

§ 1478.1 General statement.

(a) The regulations in this part set forth the terms and conditions of the Tree Assistance Program (TAP) authorized by title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Act). Within specified limits, CCC is authorized by the 1990 Act to:

(1) Reimburse eligible owners for part of the cost of replanting, reseeding, or repairing eligible trees to offset losses by an eligible orchardist for trees that were planted in any year to produce annual crops for commercial purposes but were lost due to damaging weather, or related condition in 1994; and

(2) Reimburse eligible owners for part of the cost of replanting, reseeding, or repairing seedlings which would have produced trees to be harvested for commercial purposes which were planted in 1992 or 1993 and were lost in 1993 (1993 losses) and planted in 1993 or 1994 for 1994 losses, due to damaging weather, or related condition in 1993 and 1994. However;

(i) Such trees, seedlings or nursery inventory must be planted for commercial purposes and may not be:

(A) Open-field-grown sod, grasses, legumes, and other plants, that are grown in a manner that does not allow them to be counted individually or by using statistical sampling; or

(B) Plants grown for shelterbelts and wildlife enhancement plantings; and

(ii) If the request for assistance is for:

(A) Trees planted to produce annual crops, the losses must be due to damaging weather or related condition;

(B) Seedlings planted to produce trees for harvest, the losses must be

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due to damaging weather or related condition;

(C) Nursery inventory, the losses must be due to damaging weather or related condition;

(D) Aquatic plants, the losses must be due to damaging weather or related condition; and

(E) Owners must elect whether trees which qualify as either nursery inventory or orchard trees may be enrolled as either but not be enrolled as both nursery inventory and orchard trees.

(3) Reimburse eligible owners for an individual stand of nursery trees or nursery plants.

(b) Such assistance may not exceed 65 percent of the eligible reseeding costs and may be based on average costs or the actual costs for the replanting practices, as determined by CCC, which, after adjustments for normal mortality, exceed a 35 percent loss.

(c) Unless an extension, not to exceed 24 months is granted by the State FSA committee, all 1993 and 1994 TAP practices must be completed within 24 months of the last day of the applicable signup. The State FSA committee shall only approve up to an additional 24 months when delays are beyond the control of the applicants.

[60 FR 52614, Oct. 10, 1995]

§ 1478.2 Administration.

(a) This part shall be administered by CCC under the general direction and supervision of the Executive Vice President, CCC. The program shall be carried out in the field by FSA State and county committees (State and county committees).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(3) Require the county committee to approve late-filed requests received after signup ends only for those owners who applied late due to circumstances beyond their control as determined by the county committee.

(4) Require the county committee to approve applications only for those owners of trees and plants who actually owned the trees at time of the eligible disaster at the time of application.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

[57 FR 10968, Mar. 31, 1992, as amended at 60 FR 52614, Oct. 10, 1995]

§ 1478.3 Definitions.

(a) In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons and things, words importing the plural include the singular, words importing the masculine gender include the feminine, and words used in the present tense include the future as well as the present.

(b) The following terms contained in this part shall have the following meanings:

Annual gross revenue means with respect to a person, as defined in part 1497 of this chapter:

(1) For a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the total gross income received from such operations.

(2) For a person who receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the total gross income from all sources.

(3) The determinations made in accordance with 7 CFR 1497.3 shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.